

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re ) Chapter 7  
 ) Case No. 17-17636  
Jasmin & Christian Mendoza, ) Honorable Janet S. Baer  
 ) (Geneva)  
 ) Hearing Date: March 23, 2018  
Debtors. ) Hearing Time: 11:00 a.m.

COVER SHEET FOR APPLICATION FOR  
PROFESSIONAL COMPENSATION

Name of Applicant: Elizabeth C. Berg, Trustee

Authorized to Provide  
Professional Services to: Estate

Date of Order Authorizing  
Employment: June 9, 2017

Period for Which  
Compensation is sought: July 13, 2017 to Close of Case

Amount of Fees sought: \$1,320.00

Amount of Expense  
Reimbursement sought: \$29.18

This is an: Interim Application ☐ Final Application ☒

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Total Requested (Fees &amp; Expenses)</u>	<u>Total Allowed</u>
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The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$0.00.

Dated: February 13, 2018

Elizabeth C. Berg, Trustee of the Estate of  
Jasmin & Christian Mendoza, Debtors

By: /s/Elizabeth C. Berg, Trustee  
Elizabeth C. Berg, Trustee

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
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In re	)	Chapter 7
	)	Case No. 17-17636
Jasmin & Christian Mendoza,	)	Honorable Janet S. Baer
	)	(Geneva)
Debtors.	)	Hearing Date: March 23, 2018
	)	Hearing Time: 11:00 a.m.

**Application for Allowance and Payment of Final Compensation  
And Expense Reimbursement of Elizabeth C. Berg, as Trustee**

Elizabeth C. Berg, not personally but solely as trustee ("Trustee") of the estate ("Estate") of Jasmin & Christian Mendoza, debtors ("Debtors"), pursuant to sections 326 and 330 of title 11, United States Code ("Code"), requests this Court to enter an order allowing and authorizing payment to Trustee of \$1,320.00 as final compensation for services rendered as trustee in this case from July 13, 2017 through the close of this case and of \$29.18 for reimbursement of actual and necessary expense incurred during the same period. In support thereof, Trustee states as follows:

**Introduction**

1. The Debtors commenced this case on June 9, 2017 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.
2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.
3. As of the commencement of this case, the Estate's sole asset was a potential avoidance action under 548 of the Code against the Debtors to recover pre-petition loan repayments made by Debtors to their 401(k) plans totaling approximately \$9,000.00 ("Loan Repayments").
4. The bar date for filing general unsecured claims in this case was November 6, 2017. The bar date for filing governmental claims was December 6, 2017.

### **Prior Compensation and Expense Reimbursement**

5. This is the first and final application ("Application") for allowance of compensation and expense reimbursement filed by Trustee in this case.

6. Trustee has not previously received or been promised any payments for services rendered or to be rendered or expenses incurred in this case.

### **Services Rendered by Trustee**

7. Since her appointment in this case, Trustee has performed actual, necessary and valuable services on behalf of the Estate. Itemized billing statements describing the Trustee's services from the date of appointment through the close of the case are attached hereto as Exhibit A. The services rendered by Trustee since her appointment in this case include but are not limited to the following:

A. Trustee reviewed and analyzed the Debtor's Schedules of Assets and Liabilities as well as the Debtor's Statement of Financial Affairs. Trustee conducted an examination of the Debtors pursuant to Section 341 of the Code.

B. The Trustee review and analyzed case law on the avoidability of voluntary 401k repayments as fraudulent transfers. The Trustee negotiated with the Debtors and ultimately reached a settlement of \$5,700.00. Trustee drafted her Trustee's Motion to Settle with Debtors and this Court Approved the Trustee's Settlement with the Debtors [Dkt. No. 26]. The Trustee then collected five installment payments from the Debtors totaling \$5,700.00.

C. Trustee invested and accounted for all funds received by the Estate and set up and maintained all bank accounts for the Estate.

D. Trustee set up and maintained a computerized case management system for the Estate in order to efficiently keep track of records relating to the Estate's case history, assets, claims and banking activities.

E. Trustee examined, analyzed and verified proofs of claim filed against the Estate and resolved all claims issues.

F. Trustee otherwise administered this Estate and directed the allocation, liquidation and distribution of assets to creditors herein.

**Funds Collected and Disbursed by Trustee**

8. Trustee has collected the sum of \$5,700.00 on behalf of the Estate. Trustee has made \$60.00 in disbursements in this case as of the date hereof.

9. Copies of the *Form 1 Individual Estate Property Record and Report* and *Form 2 Cash and Receipts Record* showing the disposition of the assets of this Estate are attached to the Trustee's Final Report, filed simultaneously herewith, as Exhibits A and B, respectively.

**Compensation Requested**

10. During the period covered by this Application, Trustee spent 13.30 hours rendering services on behalf of this Estate with a value of \$3,579.50. Trustee estimates that she will spend an additional three hours rendering services with a value of \$765.00 to obtain approval of the final report, make a final distribution to creditors and prepare and file her final account.

11 The maximum compensation allowable to Trustee pursuant to section 326 of the Code, based upon the receipts and disbursements listed above, is \$1,320.00 as follows:

25% of the first \$5,000.00	\$1,250.00
10% of the next \$ 700.00	<u>\$ 70.00</u>
Total allowable compensation	\$1,320.00

12. Based upon the caliber of the services rendered by Trustee and the efficiency of administration, Trustee requests allowance and payment of final compensation for her services rendered as trustee from the time of her appointment through the closing of this case in the amount of \$1,320.00. This amount represents reasonable compensation for the services rendered by Trustee and is equal to the maximum compensation allowable as set forth in paragraph 11 above.

### **Reimbursement of Expenses**

13. In connection with the services rendered, Trustee will incur actual and necessary expenses in the amount of \$29.18 for which she requests reimbursement. The expenses are for the copies and service of the Notice of Trustee's Motion to Approve Settlement with Debtors and the copies and service costs for the Trustee's Notice of Final Hearing to be served upon the Debtors and all creditors with filed claims. A detailed itemization of the expenses incurred is included within the billing statement attached hereto as Exhibit A.

14. After payment of the Estate's administrative expenses, Trustee anticipates that there will be funds available to make a distribution to general unsecured creditors totaling more than 6.1% of allowed claims.

15. An affidavit pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure, executed by Elizabeth C. Berg, as trustee, is attached hereto as Exhibit B.

16. Trustee requests that the compensation and expense reimbursement requested herein be paid from the Estate funds in her possession.

### **Status of the Case**

17. The Trustee has liquidated or abandoned (or sought to abandon) all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

18. Trustee has completed and filed her Final Report simultaneously herewith.

WHEREFORE, Elizabeth C. Berg, as trustee of the Estate of Jasmin & Christian Mendoza, Debtors requests the entry of an order providing the following:

A. Allowing to Trustee final compensation in the amount of \$1,320.00 for actual and necessary professional services rendered and to be rendered on behalf of this Estate from July 13, 2017 through the closing of this case;

B. Allowing to Trustee reimbursement of expenses in the amount of \$29.18;

C. Authorizing the Trustee to pay the amounts awarded from the Estate funds held by the Trustee as part of her final distribution in this case;

D. For such other and further relief as this Court deems appropriate.

Dated: February 2, 2018

Elizabeth C. Berg, as trustee of the estate of  
Jasmin & Christian Mendoza, debtors

By: /s/ Elizabeth C. Berg, as Trustee  
Elizabeth C. Berg

Elizabeth C. Berg  
20 N. Clark St., Suite 200  
Chicago, IL 60602  
(312) 726-8150

**Trustee's Itemized Billing Statements**

**Exhibit A**

**Baldi Berg, Ltd.**  
**20 N. Clark Street**  
**Suite 200**  
**Chicago, IL 60602**

Phone: (312) 726-8150

Fax: (312) 470-6323

FEIN: 36-4352753

**Invoice submitted to:**

January 11, 2018

Invoice No: 03001

Elizabeth C. Berg, Trustee  
 Baldi Berg, Ltd.  
 20 N. Clark Street  
 Suite 200  
 Chicago, ILLINOIS 60602

**In Reference to:** *Mendoza - TR Matters***Professional Services**

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Charges</u>
7/13/2017	JMM	Open new case file, input contact information and open billing matters, update master file list	0.00 \$185.00/ hr	\$0.00
7/14/2017	ECB	Review case law on avoidability of voluntary 401k repayments as fraudulent transfers (1.5) Corres to and from JAB to discuss same (.3)	1.80 \$325.00/ hr	\$585.00
7/17/2017	ECB	TC (.2) and email (.1) to Debtor's counsel re results of legal research on voluntary 401(k) repayments and potential arrangement for ch. 7 settlement	0.30 \$325.00/ hr	\$97.50
7/17/2017	ECB	Memo (.2) and TC with H. Nguyen at UST re potential settlement	0.20 \$325.00/ hr	\$65.00
7/19/2017	ECB	Review information regarding Mr. Mendoza's 401(k) loan repayments (.1) Corres to Debtors' counsel re case status and offer to settle (.2)	0.30 \$325.00/ hr	\$97.50
7/27/2017	ECB	Review and respond to corres from Ds counsel re status of ability to fund a settlement	0.20 \$325.00/ hr	\$65.00



**Baldi Berg, Ltd**

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8/02/2017	ECB	Review and respond to corres from debtor's counsel to finalize terms of settlement (.2) memo to staff re prep of motion to settle and rule 2002 notice for same. (.2)	0.40 \$325.00/ hr	\$130.00
8/03/2017	ECB	Confer with staff re prep of motion to settle (.1) Review, revise and approve same (.4)	0.50 \$325.00/ hr	\$162.50
8/03/2017	ECB	Review and revise Motion to Settle (1.0) Additional research on avoidance of loan repayments (.8)	2.80 \$325.00/ hr	\$910.00
8/28/2017	ECB	Obtain cc of settlement order (.1) and corres to Ds counsel re first installment payment	0.20 \$325.00/ hr	\$65.00
8/30/2017	JMM	Request EIN from IRS (.1), Open new bank account in IQ7 and deposit check into Receipts Log (.1), Allocate settlement funds on deposit (.1), Deposit check into TCB via bank scanner (.1)	0.40 \$185.00/ hr	\$74.00
9/12/2017	ECB	Open, review and approve Aug 17 bank statement	0.10 \$325.00/ hr	\$32.50
9/12/2017	JMM	Process August 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$185.00/ hr	\$37.00
9/27/2017	JMM	Deposit installment check into IQ7 (.1), Deposit into bank via scanner (.1)	0.20 \$195.00/ hr	\$39.00
10/09/2017	RKP	Review Form 1 for 2017 TIR; email to E. Berg re: same	0.10 \$195.00/ hr	\$19.50
10/10/2017	ECB	Open, review and approve Sept 2017 bank statement	0.10 \$375.00/ hr	\$37.50
10/11/2017	JMM	Process September 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$195.00/ hr	\$39.00

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10/23/2017	ECB	Re: 2017 Annual Report to UST - Review and update Form 1 case notes; review, revise and approve Form 2 transactions	0.20 \$375.00/ hr	\$75.00
10/26/2017	JMM	Deposit check into IQ7 (.1), Deposit check with bank via scanner (.1)	0.20 \$195.00/ hr	\$39.00
11/08/2017	ECB	Open and approve October 2017 bank statement	0.10 \$375.00/ hr	\$37.50
11/08/2017	JMM	Process October 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$195.00/ hr	\$39.00
12/01/2017	JMM	Deposit installment check into IQ7 (.1), Deposit into bank via scanner (.1)	0.20 \$195.00/ hr	\$39.00
12/12/2017	ECB	Open and approve Nov 17 bank statement	0.10 \$375.00/ hr	\$37.50
12/21/2017	JMM	Process November 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$195.00/ hr	\$39.00
1/02/2018	JMM	Deposit installment check into IQ7 (.1), Deposit into bank via scanner (.1)	0.20 \$195.00/ hr	\$39.00
1/09/2018	ECB	Open and approve 12/17 bank statement	0.10 \$375.00/ hr	\$37.50
1/09/2018	JMM	Process December 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$195.00/ hr	\$39.00
1/11/2018	JMM	Review Claims for preparation of TFR (.8), Draft Trustee Fee Application (1.1), Prep coversheet, affidavit, and proposed order (.3), Prepare TFR (.8), and NFR (.2), Review and edit TR Final Report Package (.4)	3.60 \$195.00/ hr	\$702.00

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Total Fees \$3,579.50

**Expenses**

<u>Start Date</u>	<u>Description</u>	<u>Quantity</u>	<u>Charges</u>
8/03/2017	Rule 2002 Notice - Motion to Settle - 26 parties x \$.46 = \$11.96	1.00 @ /each	\$11.96
8/03/2017	Rule 2002 Notice - Motion to Settle - 26 parties x \$.10/pg x 1 pg = \$2.60)	1.00 @ /each	\$2.60
1/11/2018	Notice of Final Report (4 pgs x \$.10 = \$0.40 x 17 claimants = \$6.80)	1.00 @ /each	\$6.80
1/11/2018	Notice of Final Report (\$0.46 x 17 claimants = \$7.82)	1.00 @ /each	\$7.82

Total Expenses \$29.18

Total New Charges \$3,608.68

Previous Balance \$0.00

Balance Due \$3,608.68

**Timekeeper Summary**

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Elizabeth C Berg	6.80	\$325.00
Elizabeth C Berg	0.60	\$375.00
Jason M Manola	0.60	\$185.00
Jason M Manola	5.20	\$195.00
Ricki K Podorovsky	0.10	\$195.00
	<u>13.30</u>	

**Trustee's Final Fee Application**

**Jasmin & Christian Mendoza, Debtors  
Case No. 17-17636**

**Rule 2016 Affidavit**

**Exhibit B**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re	)	Chapter 7
	)	
Jasmin & Christian Mendoza,	)	Case No. 17-17636
	)	
Debtors.	)	Honorable Janet S. Baer (Geneva)

**Trustee's Affidavit Pursuant to Rule 2016**

State of Illinois )  
County of Cook )

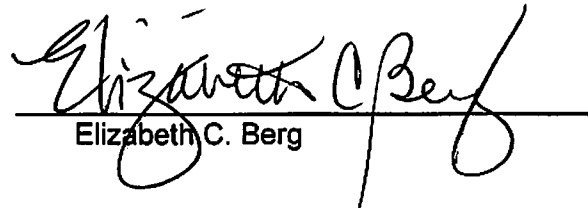
I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

1. I am the duly appointed, qualified and acting successor trustee in this case and I have personal knowledge of the facts set forth herein.

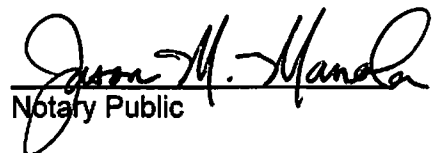
2. I have read the First and Final Application for Allowance and Payment of Compensation and Expense Reimbursement of Elizabeth C. Berg, as trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. I or my agents pursuant to my direction performed the services and incurred the expenses set forth and described in the Application.

3. I have not entered into any agreement with any other person or persons for the sharing of compensation or expense reimbursement to be received for services rendered or expenses incurred in connection with this matter, except among the partners and associates of Baldi Berg, Ltd. a law firm at which I have been employed during the pendency of this case. I have not previously received payment of any compensation for services rendered or expense reimbursement for expenses incurred in connection with this case.

4. Further affiant sayeth naught.

  
Elizabeth C. Berg

Subscribed and sworn to before me  
on January 31, 2018

  
Notary Public

